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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,438	11/21/2003	Jean Paul Craze	10022	2964
35420	7590	04/04/2006		
MICHAEL P. MAZZA, LLC 686 CRESCENT BLVD. GLEN ELYN, IL 60137			EXAMINER GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,438	<b>Applicant(s)</b> CRAZE, JEAN PAUL	
	<b>Examiner</b> Charles N. Greenhut	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/21/03 &amp; 3/26/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

**I. Information Disclosure Statement**

1. Citation of 6,313,515 appears to be in error since the document number cited does not agree with the publication date indicated and the document does not appear to be relevant. This citation has been lined through of form 1449 and has not been considered. Please correct the document number or explain the relevancy of this document.
2. Applicant can not cite an entire website on PTO form 1449. Applicant may specify a particular webpage that applicant considers relevant and wishes to have considered. Accordingly this citation has been lined through on form 1449 and has not been considered.

**II. Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “two component rods connected by a removable locking pin” of claim 11-12, the movable ends of the cross bar of claim 18, the “alternate towing apparatus” of claim 19, and the “frame fork attachment” of claim 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be

necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **III. Specification**

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant does not provide sufficient support in the specification for cylinder rod comprising two component rods connected by a removable locking pin as claimed in claims 11-12. NO NEW MATTER MAY BE ENTERED.

### **IV. Claim Objections**

1. Claim 22 is objected to because "the receivers and from the support bar" should read -the receivers ~~and~~ from the support bar-.

### **V. Claim Rejections - 35 USC § 112**

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. The term "rapidly" in claim 1, 6, 19 and 22 is a relative term which renders the claim indefinite. The term "rapidly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

1.2. With respect to claim 12, the specification fails to provide proper antecedent basis for the claimed subject matter, a component rod slidable within another and connected by a removable locking pin. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

#### **VI. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-6, 8-10, 13, and 15-16 is/are rejected under 35 U.S.C. 102(b) as being anticipated by NOLASCO (US 6,139,250 A).

1.1. With respect to claim 1, NOLASCO discloses a transverse cross bar (12d), connected to a boom (11), two receivers (16)/(17) connected to opposing ends of the cross bar (12d), wheel support member (20)/(21) having an elongated arm (20a)/(21a), and a wheel retainer (22)/(23), and powering mechanisms driving horizontal movement (27)/(28).

- 1.2. With respect to claims 2-5, NOLASCO additionally discloses the apparatus is a self-loading wheel lift, and may be rapidly disassembled to permit conversion to an alternate towing apparatus such as a tow bar with a fork.
- 1.3. With respect to claims 6, and 8-10, NOLASCO additionally discloses one or more mechanisms facilitating rapid connection and decoupling (e.g., bolt, pin and receiver), hydraulic cylinders (27)/(28) communicating with rods having apertures removably attached to receivers.
- 1.4. With respect to claims 13, 15-16, NOLASCO additionally discloses the wheel support members comprising an L-arm (20/21) pivotally attached to receivers (at 24/25) by parallel plates (18)/(19), the boom extensible and retractable.

#### **VII. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 7 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over NOLASCO (US 6,139,250 A) in view of KIEFER (US 5,575,606 A).

- 1.1. With respect to claim 7, NOLASCO does not elaborate on the coupling mechanisms. The cam lock including a rotatable handle and spring loaded plunger pin that applicant uses for rapid connection and disconnection is well known and commonly used in the art to facilitate rapid connection and disconnection of components as illustrated by KIEFER (Figs. 5A-B). It would have been obvious to one of ordinary skill in the art

to modify NOLASCO with the mechanism of KIEFER in order to facilitate connection and disconnection.

2. Claim(s) 11-12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over NOLASCO (US 6,139,250 A) in view of PURKOTT (US 4,691,617 A).

2.1. With respect to claims 11-12, as best understood by examiner, applicant is apparently attempting to claim replacing the disclosed hydraulic actuator with a multi-stage hydraulic actuator despite providing no further detail in the specification describing how such a modification is made. While NOLASCO fails to teach a cylinder having two component rods, this type of modification is well known and commonly used in the art as demonstrated by PURKOTT. It would have been obvious to one of ordinary skill in the art to modify NOLASCO with the multiple rods of PURKOTT in order to extend the actuator stroke while preserving compactness capabilities.

3. Claim(s) 14 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over NOLASCO (US 6,139,250 A).

3.1. With respect to claim 14, NOLASCO is silent as to what holds the pivot pin in place. Retaining screws are well known and commonly used in the art to hold things in place. It would have been obvious to one of ordinary skill in the art to use a retaining screw in order to hold the pivot pin of NOLASCO in place.

4. Claim(s) 19-24 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over NOLASCO (US 6,139,250 A) in view of PETERSON (US 4,384,817 A).

4.1. With respect to claim 19-24, NOLASCO discloses a transverse cross bar (12d), connected to a boom (11), two receivers (16)/(17) connected to opposing ends of the

cross bar (12d), wheel support member (20)/(21) having an elongated arm (20a)/(21a), and a wheel retainer (22)/(23), and powering mechanisms driving horizontal movement (27)/(28). NOLASCO fails to teach rapidly disassembling the wheel lift and replacing it with an alternate towing apparatus. PETERSON teaches rapidly disassembling the wheel lift and replacing it with an alternate towing apparatus (Figs. 9-10). It would have been obvious to one of ordinary skill in the art to modify NOLASCO with the detach and replace step of PETERSON in order to accommodate vehicles requiring a sling for towing and vehicles requiring handling by engaging an opposed pair of wheels. NOLASCO additionally discloses hydraulic cylinders (27)/(28) communicating with rods having apertures removably attached to receivers, and a self loading wheel lift. NOLASCO additionally discloses in discussion of prior art that fork attachments are known in the art (Col. 2 Li. 57). It would have been obvious to one of ordinary skill in the art to use a fork attachment to lift a pallet (for example).

#### **VIII. Conclusion**


1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.



Art Unit: 3652

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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SUPERVISORY PATENT EXAMINER  
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